

# ADA Accessible Signage Update

Number 1 November, 1991

## Background

The Americans with Disabilities Act (ADA) was signed into law in July, 1990. The regulations supporting the law were issued in July, 1991. The intent of the law is to broadly protect the civil rights of the disabled, prohibiting discrimination in employment and access to goods and services.

The ADA contains five parts or Titles:

- Title I Employment**  
Prohibits companies with 15 or more employees from discriminating against qualified disabled job applicants or workers.
- Title II Public Services and Transportation**  
Prohibits state and local governments from discriminating against the disabled.
- Title III Public Accommodations**  
Prohibits private facilities from discriminating against the disabled. Incorporates accessibility guidelines for privately owned facilities.
- Title IV Telecommunications**  
Requires telephone companies to provide special services for the hearing and/or speech impaired.
- Title V Miscellaneous**  
Contains miscellaneous legal and implementation details.

## Privately Owned Facilities Affected By Title III

### Public Accommodations

Public accommodations are defined as private establishments providing goods and services to the general public. Over five million facilities are affected including hotels, restaurants, hospitals, physicians' offices, schools, stores, movie theaters, convention centers, libraries, banks, museums and airports.

### Commercial Facilities

Commercial facilities are defined as non-residential establishments not open to the general public that affect commerce, such as factories, warehouses and office buildings. Commercial facilities are subject only to the requirement that new construction and alterations conform to the ADA Accessibility Guidelines.

### Exemptions

Religious organizations and private clubs.

## Standards of Compliance & Effective Dates

### Existing Facilities

Existing facilities defined as public accommodations must take steps to remove "architectural and communications barriers" by January 26, 1992, where such removal is "readily achievable" or "easily accomplishable and able to be carried out without much difficulty or expense".

Priority should be given to measures that will enable individuals with disabilities to "get in the front door", followed by measures providing access to goods and services and providing access to restroom facilities. If physical barrier removal is not "readily achievable", the facility may be required to take appropriate alternative measures such as having store employees assist in removing articles from high shelves.

### Alterations

Alterations to existing facilities defined as public accommodations or commercial facilities must generally be "readily accessible to and usable by" the disabled, "to the maximum extent feasible" if the alteration is begun after January 26, 1992.

When alterations are made to a "primary function area", an "accessible path of travel" to the altered area, and the restrooms, telephones and drinking fountains must be made accessible. The additional accessibility costs need not be "disproportionate" relative to the overall alteration.

### New Construction

New construction of public accommodations or commercial facilities must be "readily accessible and usable by" the disabled if the facility is first occupied after January 26, 1993, assuming the last official permission (such as a building permit) was issued after January 26, 1992. The standard of compliance is highest for new construction and is not limited by "disproportionate cost" or "readily achievable" rules.

## Signage Guidelines

The ADA's signage guidelines are primarily intended to make facilities accessible to the blind and visually impaired. Guidelines for exterior and interior signage are generally the same.

While the guidelines require "removal of communication barriers," compliance will most often be achieved by modifying existing signs (for example, by adding tactile and Braille characters) or by installing new, compliant signs.

Additional signs may be required to identify and give directions to accessible facilities and features.



For further details on the ADA signage guidelines, compliant sign products or to schedule a SignAudit survey of your facility, contact ASI Sign Systems.

## Sign Categories

The guidelines define four categories of interior and exterior signs:

### Permanent Signs

"Signs which designate permanent rooms and spaces" whose function will not change must comply with the highest standards, including tactile and Braille lettering.

### Directional and Informational Signs

Wall mounted "signs which provide direction to or information about functional spaces" are not required to have tactile and Braille lettering. However, they must meet requirements for character proportion and height, sign finish and contrast.

### Overhead Signs

Signs which are "projected or suspended overhead" must meet requirements for clearance, character proportion and height, sign finish and contrast.

### Temporary Signs

"Building directories, menus and all other signs which provide temporary information about rooms and spaces, such as the current occupant's name, are not required to comply" with ADA guidelines.

## Minimum Sign Requirements

### Tactile & Braille Characters

- Characters must be raised exactly 1/32"
- Characters must be accompanied by Grade 2 Braille

### Typestyles

- Characters must be upper case and sans serif or "simple serif" typestyle
- Characters must have a width-to-height ratio of between 3:5 and 1:1
- Characters must have a stroke width-to-height ratio of between 1:5 and 1:10

### Character Height

- Tactile characters must be min. 5/8" high, max. 2", all caps.
- Characters must be minimum 3" high
- Characters must be sized to viewing distance

### Pictograms (Symbols)

- Equivalent written description must be placed directly below symbol
- Written description cannot be within symbol's background field
- Border dimension of symbol background field must be minimum 6" high

### Finish & Contrast

- Characters & background must be eggshell, matte or other non-glare finish
- Characters must adequately contrast with background

### Mounting Location & Height

- Mounted on wall adjacent to the latch side of the door
- Mounted to avoid door swing and protruding objects
- Mounting height of 60" from floor to centerline of sign
- Minimum 80" clearance between overhead sign and floor

## Identification of Accessible Facilities & Features

### Entrances, Restrooms and Bathing Facilities

The international symbol of accessibility must be displayed at accessible entrances if all entrances are not accessible. Directions must be provided from inaccessible entrances to accessible ones. Similar guidelines apply to restrooms and bathing facilities.

### Parking Areas

Accessible parking spaces and loading zones must be marked by a sign showing the symbol of accessibility, located so it cannot be obscured by a parked vehicle.

### Assembly Areas

The international symbol of access for hearing loss must be displayed where assistive listening systems are required, along with a description of the specific listening system.


### Areas of Rescue Assistance

Areas of rescue assistance must be identified with illuminated and/or non-illuminated signs. Instructions must be posted on how to use the area during emergencies. Inaccessible exits must be identified. Signs may be required to direct visitors to areas of rescue assistance.


### Public Telephones

Text telephones must be identified with the TDD symbol. Volume control telephones must be identified by the international symbol for hearing loss.


Permanent	Directional-Informational	Overhead	Temporary
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International Symbol of Accessibility

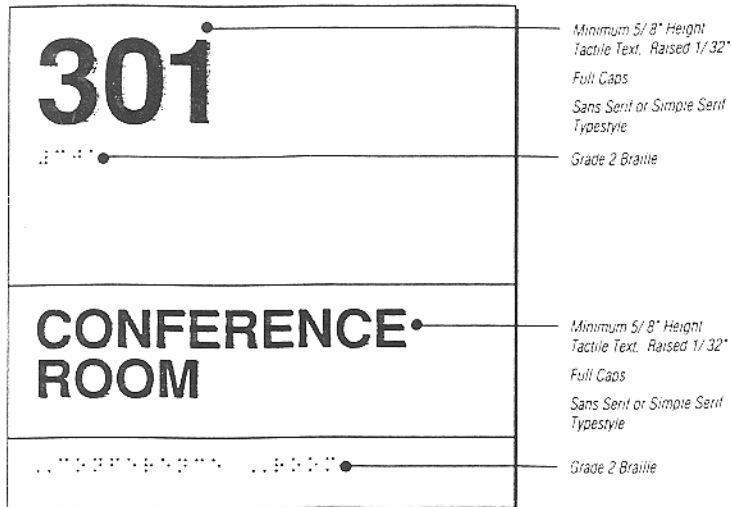


International Symbol of Access for Hearing Loss

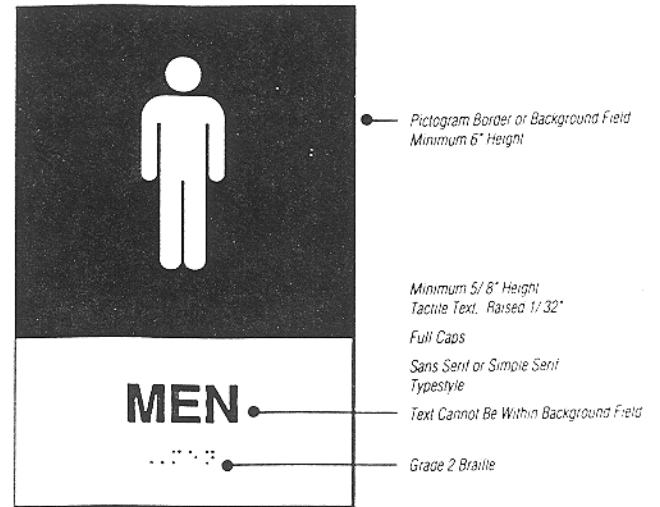


International TDD Symbol

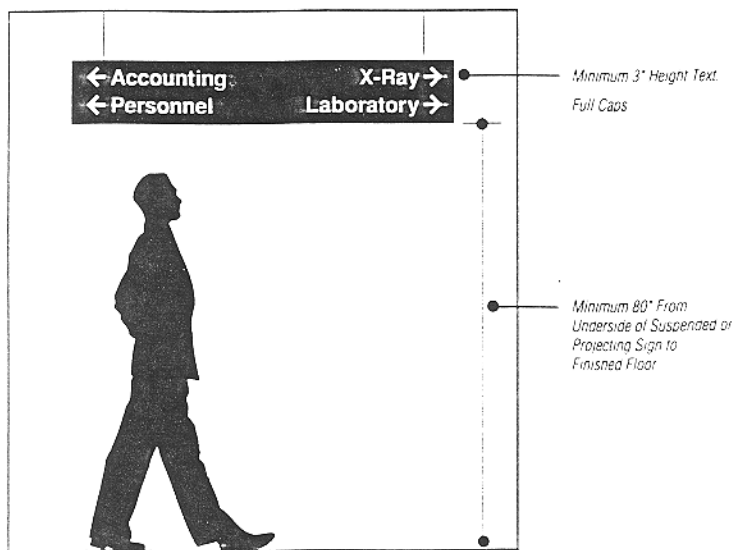
### Typical Permanent Room Plaque



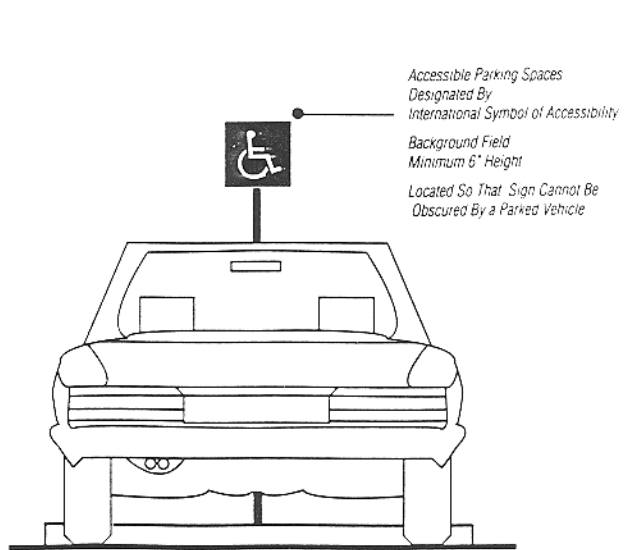
### Typical Restroom Plaque



### Typical Overhead Sign



### Typical Accessible Parking Space ID



## Implementation of Title III

### Enforcement

The Americans with Disabilities Act is based on the Civil Rights Act of 1964, with similar enforcement provisions. Any individual may request the Department of Justice to investigate and take action where they or a class of persons have been subjected to discrimination prohibited by the Act. Lawsuits may be filed directly by such individuals and, under certain conditions, the Act authorizes the courts to appoint an attorney for complainants who cannot afford their own representation. The Attorney General is also authorized to file civil action in cases of general public importance.

Suits may be filed even before discrimination has actually occurred if a person has "reasonable grounds" for believing they are about to be discriminated against. For example, if the design of a new building does not comply with the ADA requirements, a suit may be filed prior to commencement of construction.

To the extent state and local building codes incorporate the new ADA accessibility guidelines and such codes are "certified" by the Department of Justice, provisions of the ADA could become subject to legal actions in state as well as federal courts.

### Legal Remedies

The courts can provide injunctive relief, e.g. an order to alter a facility to make it accessible to the disabled. Where discrimination is proven, monetary damages, attorney's fees and costs may be awarded to the plaintiff. In actions brought by the Attorney General, penalties of up to \$50,000 for the first violation and up to \$100,000 for any subsequent violations may be assessed.

### Good Faith Efforts

The courts will consider the "good faith effort" a building owner has made to comply with the law when considering what amount of civil penalty, if any, is appropriate. For example, the development and implementation of a Barrier Removal Plan could serve as evidence of a good faith effort.

The Department of Justice recommends the development of a Barrier Removal Plan for existing public accommodations before the effective date of January 26, 1992.

In developing such a plan, it is recommended that existing barriers be identified by comparing the existing facility to the requirements for new and altered construction. All existing barriers that can be removed through readily achievable measures should be identified and priorities and a timetable for removal established.



### Recommended Priorities for Barrier Removal

The following priorities are not mandatory, but rather suggested ways to determine what types of barriers should be minimized or eliminated first.

1. Access from public sidewalks, parking, van loading or public transportation stops to a building entrance. Examples include installing an entrance ramp, widening entrances and providing accessible parking.
2. Access to areas where goods and services are offered to the public. Examples include adjusting the layout of display racks, rearranging tables, *providing tactile and Braille signage*, widening doors, installing visual alarms and installing ramps.
3. Access to restrooms. Examples include the removal of obstructing furniture or vending machines, widening doors, installing ramps, *providing accessible signage*, widening toilet stalls and installing grab bars.
4. Access in any remaining ways to the goods and services provided.

The entire survey process, and the subsequent determination of readily achievable measures, should be fully documented. In particular, a list should be maintained of existing barriers that are not removed, along with the specific reasons why removal was not readily achievable. Keep in mind that these decisions will be subject to scrutiny by others in the event of a discrimination complaint. By involving local disability organizations in the process, the likelihood of future complaints could be greatly diminished.

### Alternatives to Barrier Removal

If barrier removal is not readily achievable, the goods, services, facilities, privileges or advantages of a public accommodation shall be made available through alternative methods, if it is readily achievable to do so. Examples of alternatives to barrier removal provided by the Department of Justice are:

- Providing valet parking for disabled persons.
- Providing curb service or home delivery.
- Retrieving merchandise from inaccessible shelves.
- Relocating activities to accessible locations.

A disabled person cannot be charged for the costs associated with providing an alternative method.

### Continuing Obligation to Remove Barriers

The obligation to engage in readily achievable barrier removal is a continuing responsibility of a public accommodation. Items whose removal is currently not readily achievable may become so in the future. No periodic assessment or self-evaluation is required by the ADA. However, the DOJ urges public accommodations to establish procedures for an ongoing assessment of their compliance with barrier removal requirements.

### Tax Deductions & Credits

The Internal Revenue Code allows deductions of up to \$15,000 for expenses associated with the removal of qualified architectural barriers. Small businesses are also allowed a tax credit for certain costs of complying with the ADA. The necessary and reasonable costs of removing architectural, physical and communication barriers are included among "eligible expenditures." Contact your tax consultant for more detailed information.